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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,210

11/07/2003

Helmut Kanzler

Ruff 17

2928

23474 7590 12/29/2006
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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/29/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/705,210	Applicant(s) KANZLER, HELMUT	
	Examiner Alicia M. Torres	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-28 and 37-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26, 28, 37-41 and 43 is/are rejected.
- 7) ☒ Claim(s) 27 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claims 23, 24 and 28 are objected to because of the following informalities: there is lack of antecedent basis for "the further consumers". Appropriate correction is required.

Claim 42 is objected to because of the following informalities: in the ultimate line "with regard to little loss" leaves unclear what is being lost. Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22, 24-26, 37-39, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roemer 4,057,916 in view of Capps et al. 6,879,895.

4. Roemer discloses a device wherein the following method for controlling a snow-trail grooming vehicle is inherent, the method comprising the steps of:

- Providing a snow-trail grooming vehicle having
 - a drive motor (18)
 - a track drive (14)
 - a snow-trail grooming device (20).

However, Roemer fails to disclose:

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- means for distributing driving power to the track drive and the snow-trail grooming device
 - a central processing system for controlling the means for distributing driving power having means for specifying threshold values for the driving power, the threshold values limiting the driving power made available to the chain or track drive and the further consumers of driving power
- selectively prioritizing one of the track drive and snow-trail grooming device in a changeable way and specifying threshold values for the driving power available to at least one of the device and drive
- detecting environmental parameters and indicating a change of the automatic prioritizing, in dependency of the environmental parameters, by the central processing system to an operator
- distributing the driving power depending on the prioritizing step.

Capps et al. discloses an apparatus including:

- means (21) for distributing driving power to the components
 - a central processing system (11) for controlling the means (21) for distributing driving power having means for specifying threshold values for the driving power, the threshold values limiting the driving power made available to the components
- selectively prioritizing one of the components in a changeable way and specifying threshold values (26, see column 9, lines 27-30) for the driving power available to at least one of the device and drive

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- detecting environmental parameters (see column 4, lines 1-7) and indicating a change of the automatic prioritizing, in dependency of the environmental parameters, by the central processing system (11) to an operator
- distributing the driving power depending on the prioritizing step.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the distribution means and prioritizing step of Capps et al. on the apparatus of Roemer in order to protect the power supply.

5. Claims 28 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roemer and Capps et al. as applied to claims 22 and 37 above, and further in view of Miyake et al.

5,002,148.

The device is disclosed as applied above. However, the combination fails to disclose wherein the snow-trail grooming vehicle further has a hydraulic brake or pump coupled with the drive motor for providing braking power, the method further comprising the step of distributing the braking power onto the further consumers under control of the central processing system.

Miyake et al. discloses a motor vehicle wherein the hydraulic brake (6) provides a braking power under the control of the processing system (23).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the hydraulic brake of Miyake et al. on the snow-grooming apparatus of Roemer and Capps et al. in order to eliminate the braking difference between components.

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6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roemer and Capps et al. as applied to claim 40 above, and further in view of Rogers 6,904,708.

The device is disclosed as applied above. However, the combination fails to disclose wherein the environmental parameters comprise at least one of slope incline, cable-winch operation, density of the snow, temperature of the snow and height of the snow.

Rogers discloses a snow-grooming apparatus wherein the control system takes environmental parameters such as the temperature into account.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the environmental parameter of Rogers on the apparatus of Roemer and Capps et al. in order to provide automatic control

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

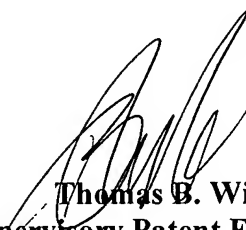
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-3600. The fax number for this Group is 571-273-8300.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
December 22, 2006